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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/705,336
Filing Date: November 10, 2003
Appellant(s): IRIE, TOSHIAKI

Jonathan P. Osha (Reg. No. 33,986)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/15/2008 appealing from the Office action mailed 1/23/2008.

(1) Real Party In Interest

The real party in interest for this appeal is Funai Electric Co., LTD. An Assignment transferring all interest in the referenced application from the inventor to Funai Electric Co., LTD. was recorded by the USPTO on November 10, 2003. The Assignment is recorded at Reel 014693, Frame 0905.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,400,280 B1	Osakabe	06-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Osakabe (US 6400280 B1).

Re **claim 1**, Osakabe discloses a composite audio-video apparatus comprising: first and second image reproduce sections for reproducing images respectively recorded in different mediums (Osakabe: Fig. 3, DVCR 23 and DVD 24); first and second control sections for respectively controlling the first and the second image reproduce section (Osakabe: Fig. 3, the DVCR and DVD are independent devices with their own local control circuitry); an operation command informing section, including a remote operating section, for informing the first and the second control section of an inputted operation command (Osakabe: Fig. 3, Digital TV 21; Fig. 12); and an image output section for selectively outputting an image reproduced by the first or the second image reproduce section (Osakabe: Fig. 3, Digital TV 21); wherein the first control section includes a changeover control section for controlling to change over an image input source of the image output section (Osakabe: column 6, line 57, through column 7, line 12, a device is activated depending on the Destination_ID); the second control section outputs a direction signal to the first control section only when the operating command inputted from the operation command informing section is a specific operation command which has been previously set for the second image reproduce section (Osakabe: Fig. 3, when the second unit (DVD 24) communicates back to the Digital TV 21, the commands and data are relayed through the first unit (DVCR 23) depending on the specific device selected by the user); and the first control section changes over the image output section so that an image reproduced by the second image reproduce section is outputted in the case where the first control section receives the direction signal even when the image output section is set to output an image

reproduced by the first image reproduce section, and the first control section changes over the image output section so that the image reproduced by the first image reproduce section is outputted in the case where the operation command inputted from the operation command informing section is a specific operation command which has been previously set for the first image reproduce section (Osakabe: Fig. 3; column 5, line 59, through column 6, line 9; column 6, line 57, through column. 7, line 12, the Digital TV 21 displays the picture from the device corresponding to the user selection, where the Destination_ID specifically selects a certain device in the device chain; Osakabe: column 2, line 39, through column 3, line 4, the communication with a second device in the chain will be passed through the first device in the chain).

Re **claim 2**, Osakabe discloses a composite audio-video apparatus comprising:. first and second image reproduce sections for reproducing images respectively recorded in different mediums (Osakabe: Fig. 3, DVCR 23 and DVD 24); first and second control sections for respectively controlling the first and the second image reproduce sections (Osakabe: Fig. 3, the DVCR and DVD are independent devices with their own local control circuitry); an operation command informing section for informing the first and the second control sections of an inputted operation command (Osakabe: Fig. 3, Digital TV 21; Fig. 12); and an image output section for selectively outputting an image reproduced by the first or the second image reproduce section (Osakabe: Fig. 3, Digital TV 21); wherein the first control section includes a changeover control section for controlling to change over an image input source of the image output section (Osakabe: column 6, line 57, through column 7, line 12, a device is activated depending on the Destination_ID); the second control section outputs a direction signal to the first control section when the operating command inputted from the operation command informing section is an operation command for the second image reproduce section (Osakabe: Fig. 3, when the second unit (DVD 24) communicates back to the Digital TV 21, the commands and data are relayed through the first unit (DVCR 23) depending on the specific device selected by the user); and the first control section changes over the image output section so that an image reproduced by the second image reproduce section is outputted in the case where the first control section receives the direction signal even when the image output section is set to output an image reproduced by the first image reproduce section, and the first control section changes

over the image output section so that the image reproduced by the first image reproduce section is outputted in the case where the operation command inputted from the operation command informing section is an operation command for the first image reproduce section (Osakabe: Fig. 3; column 5, line 59, through column 6, line 9; column 6, line 57, through column 7, line 12, the Digital TV 21 displays the picture from the device corresponding to the user selection, where the Destination_ID specifically selects a certain device in the device chain; Osakabe: column 2, line 39, through column 3, line 4, the communication with a second device in the chain will be passed through the first device in the chain).

Re **claim 3**, Osakabe discloses that the first control section includes a discrimination section for discriminating whether or not the operation command is a specific operation command which has been previously set for the first image reproduce section when the operation command for the first image reproduce section is inputted to the first control section (Osakabe: column 5, line 59, through column 6, line 9; column 6, line 57, through column 7, line 12, the specific device according to the specific Destination_ID is selected); and only when the operation command is the specific operation command for the first image reproduce section, the first control section changes over the image output section so that an image from the first image reproduce section is outputted (Osakabe: Fig. 3; column 5, line 59, through column 6, line 9; column 6, line 57, through column 7, line 12, if the command is intended for the second device, the first device ignores the command and relays it to the second device).

Re **claim 4**, Osakabe discloses that the second control Section includes a discrimination section for discriminating whether or not the operation command is a specific operation command which has been previously set for the second image reproduce section when the operation command for the second image reproduce section is inputted to the second control section (Osakabe: column 5, line 59, through column 6, line 9; column 6, line 57, through column 7, line 12, the specific device according to the specific Destination_ID is selected); and only when the operation command is the specific operation command for the second image reproduce section, the direction command is outputted to the first control section (Osakabe: Fig. 3; column 5, line 59, through column 6, line 9; column 6, line 57, through column 7, line 12, if the command is intended for the second device, the first device ignores the command and relays it to the second device and the response from the second device is relayed through the first device).

(10) Response to Argument

A. The Examiner erroneously interprets the limitation reciting "changeover control section" in the claims

Regarding claims 1 and 2, the Applicant asserts that the Examiner erroneously interprets "wherein the first control section includes a changeover control section for controlling to change over an image input source of the image output section." However, the Examiner respectfully disagrees.

Osakabe discloses that when the remote control signal is directed to a target other than a given device, the given device transmits the control signal to the next device in the chain (Osakabe: column 2, line 39, through column 3, line 4). More specifically, commands received from the remote control are converted into an IEEE 1394 packet by the digital TV (Osakabe: column 6, lines 18-52). Command data is transmitted in an asynchronous mode along the IEEE 1394 communication line, where the packet header contains a Destination_ID field (Osakabe: column 7, lines 1-12; column 8, lines 25-26 and 45-49; Figs. 6 and 7). Reproduction is provided in an isochronous mode and also transmitted through the IEEE 1394 communication line (Osakabe: column 7, lines 28-47).

Osakabe illustrates the device chain in Fig. 3, indicating that the IEEE 1394 communication line shown as connecting each device in a "daisy-chain" type of configuration, where the signal passed along the communication line passes through each device between the transmitting device and the destination device (Osakabe: Fig. 3, IEEE 1394 communication line 26).

Since the commands and data are passed along the chain of devices, intermediate devices must perform a changeover control operation, wherein the command data is passed through to the destination device, while reproduction data is passed through from another device to the digital TV for display.

B. The Examiner erroneously interprets the "first and second control section" portion of the claims

Regarding claims 1 and 2, the Applicant contends that the Examiner erroneously interprets the "first and second control section" portion recited in the claims. However, the Examiner respectfully disagrees.

The claim language recites that "the first control section includes a changeover control section for controlling to change over an image input source of the image output section." As outlined in the Examiner's rebuttal to Applicant's argument A, any given intermediate device located between the digital TV and the destination device (as depicted in Fig. 3 of Osakabe) may be considered to have a first control section, wherein the intermediate device must perform a changeover operation for both command data and reproduction data since the devices are connected in a "daisy-chain" type of configuration.

The claim language also recites "the second control section outputs a direction signal to the first control section only when the operating command inputted from the operation command informing section is a specific operation command which has been previously set for the second image reproduce section." Osakabe states that the remote control system includes "response reception means for receiving the response transmitted through the serial bus by response means of another device" (Osakabe: column 2, lines 31-33, emphasis added), indicating that each device is capable of generating a response to the command data. Osakabe discloses an example in which communication is established between the remote control and the DVD player. Osakabe states, "A remote control signal for indicating reproduction of DVD 24 which is transmitted from a bi-directional remote commander, is deciphered by a digital TV 21 and then converted to the data format of an IEEE-1394 serial bus 26, and then transmitted to DVD 24. DVD 24 transmits the response to the received remote control signal to the digital TV 21, and also starts the reproduction operation" (Osakabe: Abstract section), thus indicating that transmission data is generated by destination devices when the destination devices are directly commanded by the remote control.

Therefore, in view of the changeover performed by an intermediate device and the command response generated by a destination device, the IEEE 1394 interface of the first device in the chain of devices acts as the first control section, performing a changeover function when the first device

determines that the command is directed to another target, while the interface of the destination device in the chain of devices would act as the second control section.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Christopher Findley/

Conferees:

/Marsha D. Banks-Harold/

Supervisory Patent Examiner, Art Unit 2621

/Mehrdad Dastouri/

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